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TJW #

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,014	03/10/2004	Tae-Ahn Jhang	559552000120



25225
 MORRISON & FOERSTER LLP
 3811 VALLEY CENTRE DRIVE
 SUITE 500
 SAN DIEGO, CA 92130-2332

CONFIRMATION NO. 4949

FORMALITIES LETTER



OC000000012800043

Date Mailed: 05/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 36a.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

08/03/2004 MAHMED1 00000059 031952 10798014

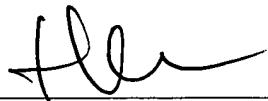
- **\$65** Late oath or declaration Surcharge.

01 FC:2051

65.00 DA

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/798,014
		Filing Date	March 10, 2004
		First Named Inventor	Tae-ahn JAHNG
		Art Unit	3732
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	40	Attorney Docket Number	559552000120

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, 1 pg + duplicate	<input checked="" type="checkbox"/> Drawing(s) 26 pages	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Communication (2 pages) Copy of Ntc to File Missing Parts (2 pages) Executed Declaration (3 pages) Supplemental ADS (2 pages) Transmittal of Drawing Correction (2 pages) Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	CUSTOMER NO. 25225	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Richard C. Kim - 40,046
Signature	
Date	July 28, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 28, 2004

Signature: (Rhea Amid)



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

Complete if Known	
Application Number	10/798,014
Filing Date	March 10, 2004
First Named Inventor	Tae-ahn JAHNG
Examiner Name	Not Yet Assigned
Art Unit	3732
Attorney Docket No.	559552000120

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number **03-1952**

Deposit Account Account Name **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments

 Charge any additional fee(s) or any underpayment of fee(s)

 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900
Other fee (specify)			
SUBTOTAL (3) (\$ 65.00)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

**or number previously paid, if greater; For Reissues, see above

(Complete if applicable)				
Name (Print/Type)	Richard C. Kim	Registration No. (Attorney/Agent)	40,046	Telephone (858) 720-5142
Signature	<i>Rich Kim</i>		Date	July 28, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 28, 2004

Signature: *Rhea Amid* (Rhea Amid)

Application No.: 10/798,014

1



Docket No.: 559552000120

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 28, 2004

Signature: (Rhea Amid)

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tae-ahn JAHNG

Application No.: 10/798,014

Confirmation No.: 4949

Filed: March 10, 2004

Art Unit: 3732

For: A METHOD AND APPARATUS FOR
FLEXIBLE FIXATION OF A SPINE

Examiner: Not Yet Assigned

COMMUNICATION

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In addition to the documents submitted in response to the Notice to File Missing Parts, enclosed is a **Supplemental Application Data Sheet** to correct the spelling of Inventor Tae-ahn JAHNG, which was inadvertently misspelled in the original Application Data Sheet.

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions

and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing docket no.**559552000120**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 28, 2004

Respectfully submitted,

By *Rich Kim*
Richard C. Kim
Registration No.: 40,046
MORRISON & FOERSTER LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130
(858) 720-5142



Whereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 7-28-04 Signature: Rhea Amid
(Rhea Amid)

Docket No.: 559552000120
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tae-ahn JAHNG.

Application No.: 10/798,014

Filed: March 10, 2004

Group Art Unit: 3732

For: A METHOD AND APPARATUS FOR
FLEXIBLE FIXATION OF A SPINE

Examiner: Not Yet Assigned

TRANSMITTAL OF DRAWING CORRECTION

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (26 sheets, 40 figures) of corrected figures for filing in the above-identified Patent application.

As stated in the Notice to File Missing Parts mailed May 28, 2004, replacement figures in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. Specifically, Figure 36A has now been correctly labeled with a consecutive Arabic numeral and capital letter in the English alphabet in accordance with 37 CFR 1.84(u)(1). In addition, the margins for Figures 19-23 and 29-31 have been corrected in accordance with 37 CFR 1.84(g). Finally, the identifying indicia for Figures 1-40 are now in accordance with 37 CFR 1.84(c). The enclosed new figures correct these informalities.

Favorable consideration of the enclosed drawings is respectfully requested.

Dated: July 28 2004

Respectfully submitted,

By Rich Kim
Richard C. Kim

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